

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte REMIGIUS G. SHATAS, ROBERT R. ASPREY,
CHRISTOHER L. THOMAS, GREG O'BRYANT,
GREG LUTERMAN, and JEFFREY E. CHOUN

Appeal No.2003-0440
Application No.09/430,162

ORDER REMANDING TO EXAMINER

On January 16, 2003, applicants filed a Reply Brief (Paper No. 20) in response to an Examiner Answer (Paper No. 18) entered November 19, 2002.

In accordance with the revision effective December 1, 1997, Title 37, Code of Federal Regulations, § 1.193 states:

(b)(1) ... The primary examiner must be either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must acknowledge receipt and entry of the reply brief. Otherwise, if the examiner chooses to respond to the arguments presented in the Reply Brief, the examiner needs to reopen prosecution in order to respond to the Reply Brief (Paper No. 20).

Accordingly, it is

ORDERED that the application is remanded to the Examiner for such consideration of the Reply Brief, notification to applicants of consideration and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INFERENCES

By: _____
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CF/dal

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